

283. (New) The antibody of claim 1, 3, 179, 180, 181, 182, 183, 184 or 279, wherein the antibody is a Fab fragment.

284. (New) The antibody of claim 1, 3, 179, 180, 181, 182, 183, 184 or 279, wherein the antibody is conjugated to a therapeutic or drug moiety.

285. (New) The antibody of claim 1, 3, 179, 180, 181, 182, 183, 184 or 279, wherein the antibody is conjugated to a detectable substance.

B3 cond'd 286. (New) A composition comprising the antibody of claim 1, 3, 179, 180, 181, 182, 183, 184 or 279 and a pharmaceutically acceptable carrier.

287. (New) A kit comprising the antibody of claim 1, 3, 179, 180, 181, 182, 183, 184 or 279 and instructions for use, in one or more containers.

REMARKS

At the outset, Applicants thank Examiners Brown and Park for the courtesies extended during the telephone interview held March 15, 2002 with MedImmune, Inc.'s in-house attorney Jonathan Klein-Evans and Applicants' representatives Margaret Brivanlou and Jennifer Chheda. Applicants also thank Examiner Brown for the courtesy extended during the teleconference interview held June 14, 2002 with Applicants' representatives Margaret Brivanlou and Jennifer Chheda. As discussed and made of record below, the interviews clarified the substance of the Office Action (*i.e.*, Restriction Requirement).

The Examiner has required an election under 35 U.S.C. § 121 of one of the following groups:

- I. Claims 1-33 and 39-52, drawn to antibodies that bind RSV, classified in class 424, subclass 159.1;
- II. Claims 34-38, drawn to a fusion protein comprising an anti-RSV antibody and a heterologous polypeptide, classified 424, subclass 192.1;
- III. Claims 53-134, drawn to nucleotides, vectors and host cells, classified in class 536, subclass 23.72;

- IV. Claims 135-169, drawn to a method of preventing, treating or ameliorating RSV, classified in class 435, subclass 5; and
- V. Claims 170-178, drawn to a method for detecting RSV, classified in class 435, subclass 7.1.

The Examiner contends that the inventions of Groups I-V are distinct from each other. Applicants hereby elect to prosecute the claims of Group I, claims 1-33 and 39-52, drawn to antibodies that bind RSV, without prejudice to Applicants' right to pursue the non-elected subject matter in other applications.

The Office Action indicates that Group I, claims 1-33 and 39-52, is further subject to a restriction which requires Applicants to elect one sequence. In the interview discussions, Examiners Brown and Park withdrew the restriction requirement to elect a single sequence and imposed species elections. In particular, the Examiners imposed the following species elections: (1) the election of a single amino acid sequence of a variable heavy (VH) domain of an antibody that immunospecifically binds to a RSV antigen; (2) the election of a single amino acid sequence of a variable light (VL) domain of an antibody that immunospecifically binds to a RSV antigen; (3) the election of a single amino acid sequence of a VH complementarity determining region (CDR)1 of an antibody that immunospecifically binds to a RSV antigen; (4) the election of a single amino acid sequence of a VH CDR2 of an antibody that immunospecifically binds to a RSV antigen; (5) the election of a single amino acid sequence of a VH CDR3 of an antibody that immunospecifically binds to a RSV antigen; (6) the election of a single amino acid sequence of a VL CDR1 of an antibody that immunospecifically binds to a RSV antigen; (7) the election of a single amino acid sequence of a VL CDR2 of an antibody that immunospecifically binds to a RSV antigen; and (8) the election of a single amino acid sequence of a VL CDR3 of an antibody that immunospecifically binds to a RSV antigen. Accordingly, Applicants are responding to this Restriction Requirement as modified by the Examiners during the telephone interview. If further restriction is imposed on all of the claims, Applicants reserve the right to object.

In order to be responsive, Applicants hereby elect to prosecute the following species: (1) SEQ ID NO:48 as the VH domain; (2) SEQ ID NO:20 as the VL domain; (3) SEQ ID NO:10 as the VH CDR1; (4) SEQ ID NO:18 as the VH CDR2; (5) SEQ ID NO:19 as the VH CDR3; (6) SEQ ID NO:21 as the VL CDR1; (7) SEQ ID NO:22 as the VL CDR2; and (8) SEQ ID NO:6 as the VL CDR3.

Claims 1-178 were pending in this application. Applicants have canceled claims 2 and 6-178, without prejudice to Applicants' right to pursue the non-elected subject matter of the canceled claims in related applications. Applicants have also amended claims 1 and 4 and added new claims 179-287, directed to antibodies that immunospecifically bind to a respiratory syncytial virus (RSV) antigen to more particularly point out and distinctly claim that which Applicants regard as their invention. These new claims primarily correspond to claims 1-33 and 39-52, which the Examiner had indicated correspond to Group I, which Applicants have elected herein, and have been added to more precisely and completely claim Applicants' antibodies and compositions and kits containing such antibodies. Accordingly, new claims 179-287 also correspond to Group I and no further restriction is required. A marked up version of the claims amended herein, with additions and deletions indicated by underlining and brackets, respectively, is attached hereto as Exhibit A. Support in the specification for the amended claims and new claims can be found throughout, for example at page 41, line 31 to page 74, line 25, page 83, line 21 to page 88, line 7 and page 113, line 1 to page 114, line 16. Thus, Applicants assert that the amendments to claims 1 and 4, and the new claims do not constitute new matter. Upon entry of these amendments, claims 1, 3-5 and 179-287 will be pending in the instant application. A copy of the pending claims is attached hereto as Exhibit B.

Entry of the remarks and amendments made herein is respectfully requested. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

Respectfully submitted,

Date June 20, 2002

Anthony M. Insogna 35,203
Anthony M. Insogna (Reg. No.)
by Margaret B. Brindley
PENNIE & EDMONDS LLP Reg. No. 40,922
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures

EXHIBIT A
A MARKED UP VERSION OF THE CLAIMS
AS AMENDED ON JUNE 20, 2002
IN U.S. APPLICATION SERIAL NO.: 09/724,531
(ATTORNEY DOCKET NO.: 10271-021)

1. (Twice amended) An antibody comprising a variable heavy (VH) domain having an amino acid sequence of [SEQ ID NO:7,] SEQ ID NO:9, SEQ ID NO:16, SEQ ID NO:23, SEQ ID NO:28, SEQ ID NO:33, SEQ ID NO:36, SEQ ID NO:40, SEQ ID NO:44, SEQ ID NO:48, SEQ ID NO:51, SEQ ID NO:56, or SEQ ID NO:74, wherein said antibody immunospecifically binds to a respiratory syncytial virus (RSV) antigen.

4. (Twice Amended) The antibody of claim [3] 1 in which said VL domain has an amino acid sequence of [SEQ ID NO:20, SEQ ID NO:25, SEQ ID NO:30, SEQ ID NO:34, SEQ ID NO:38, SEQ ID NO:42, SEQ ID NO:46, SEQ ID NO:52, SEQ ID NO:55, SEQ ID NO:57, SEQ ID NO:58, SEQ ID NO:60, SEQ ID NO:62, SEQ ID NO:64 SEQ ID NO:65, or SEQ ID NO:75] SEQ ID NO:8.